

In this writ petition, the petitioners have prayed for a direction to the respondents to consider their candidature afresh for appointment on the post of Teacher Gr.III pursuant to advertisement of the year 1988 in the light of the judgment

rendered by the Hon'ble Supreme Court in Kailash Chandra Sharma Vs. State of Raj. & Ors reported in 2002 (6) SCC 562. The writ petition has thus been following judgment of the Hon'ble Supreme Court in Kailash Chandra Sharma (supra) declaring the award of bonus marks on the ground of residence as illegal and unconstitutional.

The respondents have argued that the Hon'ble Supreme Court in Kailash Chnadra Sharma (supra) had confined all those appointments which were made prior to 18th November, 1999 and in so far as the Pali District for the reference to which the present writ petition has been filed, all appointments were made up to 22nd October, 1999 such appointments therefore cannot be reopened. The writ petition is liable to be dismissed.

It would be evident from the perusal of the aforesaid judgment of the Hon'ble Supreme Court that while deciding the matters, the Hon'ble Supreme intended its verdict to be applied prospectively and saved all those appointments which were made prior to 18th November, 1999. The Hon'ble Supreme Court observed as under:-

“Having due regard to the rival contentions adverted to above and keeping in view the factual

scenario and the need to balance to completing claims in the light of acceptance of prospective overruling in principle, we consider it just and proper to confine the relief only to the petitioners who moved the High Court and to make appointment made on or after 18-11-1999 in any of the districts subjects to the claims of the petitioners."

In the light of the aforesaid judgment of the Hon'ble Supreme Court, there does not appear to be any substance in the arguments raised by the petitioners.

The writ petition is therefore dismissed with no order as to costs.

[MOHAMMAD RAFIQ],J.

A.K.Chahar/-